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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,846	02/18/2004	Shaun Thomas Broering	9527L	2517

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The Procter & Gamble Company
Intellectual Property Division
Winton Hill Technical Center-Box 161
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Cincinnati, OH 45224

EXAMINER

ROSSI, JESSICA

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,846

Applicant(s)

BROERING ET AL.

Examiner

Jessica L. Rossi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/13/06, Amendment.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated 6/13/06. All pending claims are as originally filed.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 3, 12, 14-16 and 18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bustin (GB 1301198, of record), as set forth in paragraph 2 of the previous action.

With respect to claim 1, Bustin teaches a method of making an article (flexible bag) having elastic-like behavior by introducing a sheet material 10 having at least one overlapped portion, forming said overlapped portion of sheet material into a strainable network including a plurality of first regions and a plurality of second regions, said first regions being substantially un-deformed and said second regions being formed into disengagable pleat elements (sheet passes between embossing rollers 25, 26 to form deformations/pleats), and disengaging said pleat elements using a disengaging means (introduces air between overlapped portion of sheet to separate the same). See Figures 1-6, p. 1 lines 11-18, p. 2 lines 5-15 and 115-117, p. 3 lines 10-40.

The examiner would like to point out that an article of the present invention has ‘elastic-like behavior’ because of the presence of the strainable network (see present specification at section [0022] on p. 11). The strainable network, which comprises a plurality of deformations formed in the plastic sheet material (i.e. polyethylene), is formed

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by feeding the sheet material through a nip formed by a toothed roll and an opposing grooved roll (see present specification at sections [0019-0020]). Furthermore, the present specification incorporates commonly owned US PAT 6,394,652 by reference for its teaching of a sheet material having a strainable network that can be used with the present invention (see present specification at section [0024]) - it being noted that the '652 PAT forms the deformations of the strainable network by passing the sheet material through a nip formed by embossing rolls (see '652 PAT at column 2, lines 39-43 and column 3, lines 50-56 and column 4, lines 57-59).

Therefore, since Bustin forms a plurality of deformations in his plastic sheet material (i.e. polyethylene) by passing the same through a nip formed by a toothed embossing roll and an opposing grooved roll (p. 4, lines 25-31), one would readily appreciate that the deformations of Bustin form a 'strainable network' in the sheet material and that this strainable network would impart 'elastic-like behavior' to the article.

Regarding claim 3, Bustin teaches overlapping one portion of sheet material over another portion of sheet material (Figure 6).

Regarding claim 12, Bustin teaches winding the sheet of material onto a roll (Figure 6; p. 3 lines 38-39).

Regarding claim 14, Bustin teaches unwinding a continuous web of sheet material from a roll (Figure 5; p. 3 lines 127-130).

Regarding claim 15, Bustin teaches such (Figure 6; p. 3 lines 10-13).

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Regarding claim 16, Bustin teaches forming flexible bags from the sheet material (Figure 5; p. 1 lines 15-18).

Regarding claim 18, Bustin teaches such (p. 3 lines 35-38 and 125-126).

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 2, 4, 10 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bustin as applied to claim 1 above and further in view of Cronauer (US 5709069, of record), as set forth in paragraph 4 of the previous action.

6. Claims 2, 4-9, 10-11, 17 and 19-20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bustin as applied to claim 1 above and further in view of Rowe et al. (US 2615375, of record), or LaFleur et al. (US 4481006, of record), or Yisha et al. (US 5956929, of record), or the collective teachings of and Hiramoto et al. (US 6446684, of record) and Henaux (US 5845463, of record) and Adelmann (US 5564252, of record) and Muller (US 5279095, of record), as set forth in paragraph 5 of the previous action.

7. Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bustin as applied to claim 1 above, and further in view of Meyer et al. (US 6394652, of record), as set forth in paragraph 6 of the previous action.

Response to Arguments

8. Applicant's arguments filed 6/13/06 have been fully considered but they are not persuasive.

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9. On p. 5 of the remarks, Applicant argues that nothing in the cited reference to Bustin teaches an article having elastic-like behavior or the formation of a strainable network.

Applicant also argues that embossed plastic films as taught by Bustin are not inherently elastic-like in their behavior and do not inherently possess strainable networks.

The examiner would like to point out that an article of the present invention has ‘elastic-like behavior’ because of the presence of the strainable network (see present specification at section [0022] on p. 11). The strainable network, which comprises a plurality of deformations formed in the plastic sheet material (i.e. polyethylene), is formed by feeding the sheet material through a nip formed by a toothed roll and an opposing grooved roll (see present specification at sections [0019-0020]). Furthermore, the present specification incorporates commonly owned US PAT 6,394,652 by reference for its teaching of a sheet material having a strainable network that can be used with the present invention (see present specification at section [0024]) - it being noted that the ‘652 PAT forms the deformations of the strainable network by passing the sheet material through a nip formed by embossing rolls (see ‘652 PAT at column 2, lines 39-43 and column 3, lines 50-56 and column 4, lines 57-59).

Therefore, since Bustin forms a plurality of deformations in his plastic sheet material (i.e. polyethylene) by passing the same through a nip formed by a toothed embossing roll and an opposing grooved roll (p. 4, lines 25-31), one would readily appreciate that the deformations of Bustin form a ‘strainable network’ in the sheet material and that this strainable network would impart ‘elastic-like behavior’ to the article.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JESSICA ROSSI
PRIMARY EXAMINER

